

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Varlonus James,

Case No. 5:22-cv-2040

Petitioner

v.

DISMISSAL ORDER

Ohio Department of Rehabilitation  
and Correction, *et al.*,

Respondents

*Pro se* Petitioner Varlonus James filed this action asserting a cause of action for habeas corpus relief under 28 U.S.C. § 2254. Because Petitioner did not pay the filing fee or submit a proper application to proceed *in forma pauperis*, Petitioner was mailed an Order on January 6, 2023, requiring that he either to pay the filing fee of \$5 or submit a proper application to proceed *in forma pauperis* within 30 days. (Doc. No. 3). The Order expressly notified Petitioner that this action was subject to dismissal if he failed to comply.

Although more than thirty days have now passed, the docket does not indicate that Petitioner has complied with the court's deficiency Order. Accordingly, this action is hereby dismissed without prejudice for want of prosecution. *See, e.g., Gravitt v. Tyszkiewicz*, 14 F. App'x 348, 349 (6th Cir. 2001) (affirming dismissal of *habeas corpus* action where petitioner failed to comply with district court's directions in court's deficiency order). I further certify, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith and that there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253(c).

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge